

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:17-cv-00485-MR**

**DANNY R. HEMBREE, JR.,**

**Plaintiff,**

**vs.**

**FNU BRANCH, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

On August 4, 2020, the Court entered an Order granting the motion of the Plaintiff, who is a prisoner of the State of North Carolina proceeding in this matter *pro se*, and allowing for the issuance of a subpoena to the facility where the Plaintiff is housed for the production of his medical records for trial. [Doc. 120]. The Clerk prepared a subpoena for service and attached it to the Court's Order. [Doc. 120-1].

Upon further review, the subpoena attached to the Court's previous Order [Doc. 120-1] shall be amended to reflect that the production of the requested documents shall be made at the U.S. District Court Clerk's Office on September 21, 2020 at 9:00 a.m. In lieu of a personal appearance, the

custodian of the requested records may produce the records in accordance with this Court's Local Civil Rule 45.1(b), which provides as follows:

Custodians of Medical Records. Where a subpoena commands the custodian of medical records to appear for the sole purpose of producing certain records in their custody, the custodian subpoenaed may, in lieu of a personal appearance, tender to the Clerk of Court, by certified mail or personal delivery, certified copies of the records requested, on or before the time specified in the subpoena, together with a copy of the subpoena and an affidavit by the custodian testifying to the identity and authenticity of the records, that they are true and correct copies, and as appropriate, that the records were made and kept in the regular course of business at or near the time of the acts, conditions, or events recorded, and that they were made by persons having knowledge of the information set forth; or if no such records are in their custody, an affidavit to that effect. When the copies of medical records are personally delivered, a receipt shall be obtained from the person receiving the records.

LCvR 45.1(b). An amended subpoena is attached to this Order.

In light of the Court's Order granting the issuance of the subpoena, the Court will further direct the United States Marshal Service to serve the subpoena in accordance with Rule 45 of the Federal Rules of Civil Procedure.

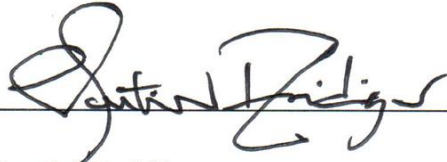
**IT IS, THEREFORE, ORDERED** that the subpoena previously issued [Doc. 120-1] is hereby **AMENDED** in accordance with this Order.

**IT IS FURTHER ORDERED** that the United States Marshals Service is respectfully instructed to serve the amended subpoena on Marshall Pike,

Harnett C.I.'s Associate Warden, in accordance with Rule 45 of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

Signed: August 10, 2020

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

